

Coalition For A Safe Environment

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Re: Re-Circulated Draft Environmental Impact Report (DEIR)/
Draft Environmental Impact Statement (DEIS) For
Berths 97-109 China Shipping Container Terminal
Corps File Number 2003-01029-SDM
SCH No. 2003061153
ADP No. 030127-018

Su: Request To Deny Approval of Project and Certification of The Re-circulated Draft EIR/EIS
For Berths 97-109 China Shipping Lines Container Terminal

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Los Angeles Board of Harbor Commissioners (POLABOHC), City of Los Angeles (COLA) and U.S. Army Corp of Engineers (USACOE) deny approval of the China Shipping Terminal project expansion proposal application, USACOE permit and certification of the Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS) for non-compliance and in violation of CEQA, NEPA, including but not limited to: the Federal Clean Air Act, Clean Water Act, Executive Order 12898, Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997), AB 32 Global Warming Act, Resource, Conservation & Recovery Act (RCRA), U.S. Civil Rights Act, the California Health and Safety Code.

The Coalition For A Safe Environment is an Environmental Justice Community based non-profit organization with members in 25 cities in California.

We find the proposed China Shipping Lines Container Terminal Expansion Project DEIR/DEIS to be unacceptable because it fails to meet evaluation factors approval criteria, fails to justify its purpose, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts

where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures.

The following information and outlined points, concerns, references, examples, issues, recommendations and requests describe the inadequacies of the DEIR/DEIS:

1. The DEIR/DEIS states that the China Shipping Lines Terminal expansion project and all Alternative except Alternative 1 will have a disproportionate high and significant impacts on environmental justice, minority and low income populations is unacceptable, immoral and illegal.

The Ports and USACOE's conclusions that these impacts are unavoidable, that all potential mitigation measures were assessed and all feasible mitigation measures adopted is a lie and in violation of the Civil Rights Act, CEQA, NEPA and other legal statutes.

The Port has ignored Executive Order 12898 and failed to comply with the intent of the law and the definition of environmental justice and fair treatment.

The Port ignored the composition of affected areas, the disproportionate high & adverse human health and environment effects, cumulative impacts, relevant public health data in its decision making and requests for further medical and scientific research. The Port made a conscious decision to move forward business as usual. A violation of the Council on Environmental Quality: Environmental Justice-Guidance under NEPA.

Environmental justice, minority and low income populations are not the sacrificial lambs for the monetary greed and political power of the Port of Los Angeles, the City of Los Angeles, the State of California, the Federal Government, their corrupt or incompetent management, staffs, consultants, commissioners and their fellow international trade industry racketeers.

Ports are allowed to operate in the public's best interest and not exclusively for private business profit making industries. Ports are not allowed to participate in premeditated murder, cause a public health problem, cause personal injury, cause physical harm, cause loss of income, cause loss of quality of life, cause loss or damage to real or personal property or incur a potential safety impact.

2. The DEIR/DEIS states the project will have significant and unavoidable impacts and when considered in their entirety will have significant and numerous cumulative impacts.

Significant negative impacts and cumulative impacts are prohibited by law. They are contrary to the public's best interests, will cause disproportional impacts on environmental justice communities and are a legitimate basis for denial of project approval, a permit and DEIR/DEIS certification.

The DEIR/DEIS additionally fails to comply with the Title VI Civil Rights Act in protecting designated groups.

3. There is both a national and state concern for both the protection and utilization of *important resources*. What was left out of this statement was that there is also concern and support for the restoration of natural resources and biological habitats that have been destroyed, lost, degraded due to the failure of the USACOE and the Port of Los Angeles

to protect native indigenous and historical resources. 99% of all coastal tidelands, wetlands, coastal bird life, fish and shellfish habitats have been destroyed and lost in San Pedro Bay. Coastal water quality receives an "F" grade annually.

4. The DEIR/DEIS fails to disclose and prove that there is a need to expand the current China Shipping Lines Terminal and the benefits of the project out way the reasonable foreseeable detriments. The DEIR/DEIS discusses employment and employment data, but provides no economic study or assessment that proves that the Port is experiencing significant growth, will create employment or that there is a national or state crisis justifying the need for the expansion of this terminal and endangering the public to negative significant environmental, traffic, public health and public safety impacts.

It is a fact that the Port of Los Angeles in the first two quarters of 2008 and in the year 2007 experienced zero business growth. Other Ports in California have experienced increases in their international trade business.

The Port has failed to provide any information or study that proves Wilmington and San Pedro residents who will be the most negatively impacted by the project will be the primary employment and economic benefactors of this project.

5. The DEIR/DEIS failed to consider and include public recommended Alternatives such as wetlands restoration on Port properties, establishment of a salt water fish hatchery, building of salt water reclamation facilities and new recreational marine facilities.
6. The DEIR/DEIS fails to comply with the Mayor of Los Angeles's mandate to mitigate the impacts of Port growth. The DEIR/DEIS lists 7 Unavoidable Significant Impacts and 15 individual significant categories and Cumulatively Significant Impacts that can be mitigated.

CFASE, other organizations and individuals have identified other significant impacts that the DEIR/DEIS does not acknowledge or notes and are not mitigated. CFASE, other organizations and individuals have identified numerous mitigation measures that the DEIR/DEIS does not acknowledge and include.

The Port has failed to justify why no feasible mitigation measures are available that would avoid all of the potential impacts or reduce all impacts to less than significant levels. CFASE requests that the Port conduct an in-depth assessment of all recommended mitigation measures and release a report of all proposed public comment mitigation measures.

7. The DEIR/DEIS states that one of the project purposes is to maximize cargo handling efficiency and capacity of terminals while raising environmental standards through the application of all feasible mitigation measures, which is not being achieved to maximum efficiency and application of all feasible mitigation measures.

The DEIR/DEIS does not meet the basic objectives criteria of minimizing surface transportation congestion or delays while promoting conveyance to local and distant cargo destinations, which is not being achieved to maximum efficiency and application of all feasible mitigation measures.

CFASE during the past public comment periods has recommended that the Port build as its primary container and cargo goods movement transportation system an all Electric Rail Transportation Systems or a Magnetic Levitation (MagLev) Rail Transportation System both which produce zero-emissions. Our research has further confirmed that MagLev Technology is feasible, the best long term future technological investment and the least environmentally and public health impacting technology. The Port has failed to provide an assessment of why this mitigation is not feasible and proposed.

Toxic air polluting diesel fuel locomotive trains can be replaced with a 100% clean operating electric MagLev System and achieve a non-significant impact. This will significantly reduce public health risks and public health impacts.

EMMI Logistics Solutions and American MagLev Technology have designed a state-of-the-art goods movement transportation system that can transport up to 8,000 containers a day and more than 3 times the speed of a traditional diesel locomotives. This technology does not require having to accumulate 250-300 train cars before it can travel to its destinations.

The increased velocity and through-put would therefore not require the construction of additional backlands, since the traditional long queue times would be eliminated.

This high speed transportation logistics system would decrease the need for 1,000's of additional diesel air polluting trucks trips a day to carry cargo since higher volumes could be transported by the Maglev System.

EMMI has further proposed to the Board of Harbor Commissioners and Port of Los Angeles to build at their expense a MagLev System demonstration project from the Port of Los Angeles to the Union Pacific ICTF facility in less than three years.

We request once again that the Port of Los Angeles replace the on-dock and near-dock diesel air polluting locomotive rail systems China Shipping Terminal proposes to use with an on-dock MagLev Transportation Clean Technology.

8. CFASE during the past public comment periods has recommended that the Port of Los Angeles finance the conversion of the Alameda Corridor to an all Electric Train Rail System or MagLev Rail System. The Alameda Corridor *current two* railroad companies Union Pacific and BNSF railroad both use diesel fuel air polluting locomotive engines which can never achieve zero emissions like a MagLev System.

The China Shipping Lines Terminal will be using the Alameda Corridor and by converting the Alameda Corridor to a MagLev System the Port of Los Angeles can achieve a non-significant impact. The Port has failed to provide an assessment of why this mitigation is not feasible and is not recommended.

We request once again that the Port of Los Angeles finance the conversation of the Alameda Corridor diesel fuel air polluting locomotive rail system China Shipping Lines Terminal proposes to use with a zero emissions MagLev Transportation Technology. This will significantly reduce public health risks and public health impacts.

9. The DEIR/DEIS does not meet the basic objectives criteria: a. to optimize the use of existing land and waterways, b. increase container-handling efficiency and c. improve or construct ship berthing and infrastructure capacity.

A more optimized and efficient Port terminal design would be to build a dock terminal whereby a ship can be unloaded from both sides of the ship at the same time. This would require a ship to dock between two land terminals as in a U-Shape. Cranes would operate from both side at the same time. International Port design consultants have submitted this concept proposal to the Port of Los Angeles in that past which was ignored and not considered as an Alternative design and mitigation measure in this DEIR/DEIS.

10. The DEIR/DEIS does not meet the basic objective criteria of increasing container-handling efficiency and access to land-based rail because no on-dock rail is proposed in this DEIR/DEIS, the use of Berths 121-131 on-dock rail is not part of the China Shipping Lines Terminal, they are in fact part of the Yang Ming Terminal and they are not immediately adjacent to the China Shipping Lines Terminal.

In fact, 1,000's of containers daily will have to be transported by yard tractors to the neighboring Yang Ming Terminal in order to have access to Berths 121-131, dropped off for temporary storage, stacked and restaged for loading onto a train car for transportation to the final transportation route. There is also no guarantee that Yang Ming will always allow China Shipping Lines access to their terminal, berths and on-dock rail in the future. The Port has provided no documentation of any long term agreement.

In addition, Yang Ming will be allowed to relocate up to 632,000 TEU's onto the China Shipping Lines Terminal backlands, which would create additional yard tractor traffic for moving them, temporary storage, staging and later returned to Yang Ming Terminal.

This additional TEU tractor traffic and emissions have not been included into air emissions totals, mitigation measures and efficiency claims.

11. USACOE's claim that it does not need to include additional ship, truck, yard tractor or rail trips at Berth 121-131 and Berths 97-109 is not legal, not in compliance with NEPA, the Clean Air Act, Clean Water Act, cumulative impact assessment requirements and environmental justice mandates. Wheeled operations are not more efficient and cheaper than direct on-dock rail loading. The DEIR/DEIS contains no cost-benefit analysis or efficiency assessment for this determination and the baseline determinations.
12. CFASE has requested in past public comments that the Port of Los Angeles mandate that the China Shipping Lines Terminal use the Alameda Corridor in lieu of diesel air polluting trucks.

CFASE requests that the Port of Los Angeles conduct a China Shipping Lines Terminal Study to determine the amount of containers that must be delivered by truck due to their local delivery requirements vs those which must travel long distance and out of state. The percentage of those that must travel long distance will be the mandatory Alameda Corridor use percentage requirement.

Refusal of China Shipping Lines to increase the use of the Alameda Corridor is grounds for not approving expansion and this DEIR/DEIS

13. The DEIR/DEIS does not mandate that all China Shipping Lines container ships must use the Port of Los Angeles electric shore-power AMP System. The China Shipping Lines Company has had three years to retrofit all ships and to delegate which ships would be

servicing the Port of Los Angeles regularly and understood that this would become a mandatory future requirement.

CFASE requests that the Port of Los Angeles mandate that all of the China Shipping Lines fleet use the AMP System. This will significantly reduce public health risks and public health impacts. The Port has failed to provide an assessment of why this mitigation is not feasible.

CFASE requests that the Port of Los Angeles purchase the Advanced Cleanup Technologies, Inc. – Advanced Marine Emissions Control System (AMECS) System for use at the China Shipping Lines Terminal for all ships that have not been retrofitted to use the AMP System.

CFASE requests that the Port of Los Angeles purchase an AMEC's barge system which can meet ships outside the breaker and dock alongside to capture all emissions. The use of this system will be mandatory for ships that must wait outside the breaker.

14. The DEIR/DEIS acknowledges that this China Shipping Lines expansion project will cause a significant increase in rail lines usage but fails to mitigate the locomotive engines diesel toxic emissions, traffic congestion and noise impacts.

The DEIR/DEIS fails to acknowledge, assess and mitigate train rail traffic, air emissions and noise at all transportation corridors, rail yards, distribution centers that China Shipping Lines will use. As a minimum these include the Wilmington Watson Rail Yard, Alameda Corridor, Carson ICTF Terminal, UP Vernon rail yard and BNSF East LA rail yard and Riverside and San Bernadino County Distribution Centers.

CFASE requests that the Port of Los Angeles, Union Pacific and Burlington Northern Santa Fe purchase the Advanced Cleanup Technologies, Inc. – Advanced Locomotive Emissions Control System (ALECS) System for use at all Port of Los Angeles Terminals on-dock, near dock rail locations and off-port property rail yard facilities that the China Shipping Lines Terminal intend to use.

The increased noise may not exceed the state or federal standards, however, there will be a public nuisance and increased public health problems from non-stop continuous noise from train braking, connecting cars, turning corners, train whistles at stop, engine startup, transmission changing, changing speeds and no large silence periods from train noise. Due to the Port adopted Pier Pass Program trains are running 24/7 and China Shipping Lines will increase train rail usage. In addition, when trains block public street intersections and access to Port terminals, truck drivers begin to honk their horns.

The DEIR/DEIS failed to research other public street intersections that will be impacted by increased china Shipping Lines rail traffic such as near the intersection of Anaheim Street and Alameda. Wilmington residents must wait for the train to pass in order to travel east on Anaheim to go to Long Beach.

15. The DEIR/DEIS states the intent of China Shipping Lines to use the Union Pacific (UP) Carson ICTF intermodal facility, the Burlington Northern Santa Fe (BNSF) Hobart Yard facility in Vernon and the UP East Los Angeles Rail Yard facility but fails to mitigate the significant negative environmental, traffic, public health and public safety impacts in those bordering cities and communities.

The Port of Los Angeles and USACOE has held no public hearings in those cities and communities, has provided no public notification and has solicited no public comment. City officials in those cities did not receive any official notification.

The ICTF facility impacts not only the City of Carson residents but also borders the neighboring Environmental Justice community of Wilmington in the City of Los Angeles and the Westside Environmental Justice community of the City of Long Beach.

The UP East LA and BNSF Vernon facilities also impact the bordering cities of Commerce, Bell, Maywood and Bell Gardens.

16. The DEIR/DEIS fails to disclose that the California Air Resources Board Study of PM and Ozone Health Effects Associated with Ports & Goods Movement in California that is quoted in the DEIR/DEIS contradicts the Ports alleged low public health risks data and are in fact substantially higher.

CFASE has requested in past public comments that the Port of Los Angeles sponsor a Wilmington and San Pedro Port Harbor Community Public Health Survey to validate its Health Risk Assessment conclusions. The Port of Los Angeles adopted 10 in one million cancer risk is based on no scientific or medical study.

CFASE has conducted its own preliminary sample public health survey which do not collaborate the Ports conclusions and in fact indicate that the cancer risk is significantly higher. The Port has failed to provide an assessment of why this mitigation is not feasible.

The UCLA Medical Center at Harbor General Hospital conducted a 2007 Wilmington Children's Asthma Study which discovered that 23.9% of all children in Wilmington have asthma. The DEIR/DEIS fails to include this information, address this issue and to mitigate its air pollution to safe levels for children, local residents and workers.

A similar Children's Asthma Study in West Long bordering the Port of Los Angeles/Union Pacific ICTF disclosed that 19.7% of all children have asthma as a result of the Ports and its tenants truck traffic and rail yard operations. The DEIR/DEIS fails to include this information, address this issue and to mitigate its air pollution to safe levels for children and local residents and workers.

The Port of Los Angeles and its business tenants have deprived 1,000's of Harbor residents and children the right to live a normal and healthy life. The Port contributes and causes a significant amount of toxic air, land and water pollution which is known to cause cancer and numerous other temporary and permanent public health problems and disabilities.

The Port failed to notify Harbor residents, dock workers and the public of the life and health threatening nature of its business activities. The Port failed to provide to the public governmental agency, medical and scientific public health study information that it knew existed that could assist the public in preventing & minimizing health impacts, seeking health care and assist the public in participating in the Port public hearing and

meeting process where they could make public comments on the negative impacts of the ports business activities on public health and request mitigation.

CFASE requests that the Port of Los Angeles sponsor and finance a comprehensive Wilmington and San Pedro Port Harbor Community Public Health Survey, an Epidemiology Study and a Morbidity Study to validate its Health Risk Assessment conclusions and the Port of Los Angeles adopted 10 in one million cancer risk and to establish a public health baseline. We request that the Port contract with UCLA and USC for these studies.

CFASE further requests that the Port conduct the same public health studies in all communities and cities that border all transportation corridors, rail yards, distribution centers that China Shipping Lines will use.

17. CFASE has requested in past public comments that the Port of Los Angeles include public health care mitigation by establishing a Public Health Care Mitigation Trust Fund to fund local community clinics such as the Wilmington Community Clinic and San Pedro Harbor Free Clinic, and the Los Angeles County Harbor General Hospital. The Port has failed to provide an assessment of why this mitigation is not feasible.

The Port has failed to provide any medical financial assistance to the impacted families who have identified themselves at previous Port of Los Angeles public hearings and meetings. The Port has failed to assess the extent of the public health problems and premature deaths it has caused. The Port has failed to provide any financial assistance to impacted families who have had family members die due to the Ports business operations.

CFASE further requests that funds be used to provide air purification and sound proofing systems in local public schools, child care centers, public libraries, convalescent care facilities, senior citizen housing and resident's homes.

CFASE, Wilmington residents and the public have requested that the Port of Los Angeles establish a Public Health Care Mitigation Trust Fund which can provide financial assistance for immediate, short term and long term:

- a. Public health care & treatment.
- b. Financial assistance to pay for health care at local clinics & county hospitals.
- c. Financial assistance to pay for health insurance.
- d. Financial assistance to pay for medical equipment.
- e. Financial assistance to pay for medical supplies.
- f. Financial assistance to pay for medical prescriptions.
- g. Financial assistance for funeral expenses.
- h. Financial assistance for short & long term convalescent care.
- i. Financial assistance for rehabilitation.
- j. Financial assistance for job retraining.
- k. Financial assistance for lost income.
- l. Financial assistance for special learning disability assistance.

CFASE requests that the Port of Los Angeles establish a Public Health Care Mitigation Trust Fund and charge a Public Health Care Mitigation Tariff of \$10.00 per China Shipping Lines TEU for the DEIR/DEIS current baseline and \$15.00 per TEU over the DEIR/DEIS baseline to mitigate future growth.

18. CFASE has requested in past public comments that the Port of Los Angeles include Wetlands Restoration Projects in San Pedro Bay as Biological Mitigation. The Ports use of off-port property Bolsa Chica Mitigation Credits is unacceptable. CFASE and the Sierra Club Harbor Vision Task Force have identified numerous potential Wetlands Restoration Project sites in Wilmington and San Pedro.

CFASE requests that the Port of Los Angeles establish a Wetlands Restoration Mitigation Trust Fund based on \$1.00 per China Shipping Lines TEU Tariff and adopt the Coalition For A Safe Environment's and the Sierra Club's Harbor Vision Task Force San Pedro Bay submitted and identified recommendations.

19. CFASE has requested in past public comments that the Port of Los Angeles include the establishment of a Marine Fish Hatchery to restore the fish population that the Port has destroyed in San Pedro Bay. The Ports fish inventory is unacceptable because it is based after the natural fish population has been decimated.

CFASE believes that the establishment of a Marine Fish Hatchery could replenish the decreasing fish population. Various types of native fish could be raised and released into San Pedro Bay. CFASE supports the restoration of reefs and seaweed beds in the outer harbor, however, CFASE does support the sinking of ships and dumping of junk to create new habitats. New habitats should be created as close to the original natural materials that used to exist.

CFASE requests that the Port of Los Angeles establish fish hatcheries, reefs and seaweed beds in San Pedro Bay as Biological Mitigation. CFASE requests that the Port of Los Angeles establish a Biological Restoration Mitigation Trust Fund based on \$1.00 per China Shipping Lines TEU Tariff.

20. CFASE has requested in past public comments that the Port of Los Angeles decontaminate and sanitize containers before allowing its China Shipping Lines tenant to place them in container storage yards in Wilmington and other port communities.

CFASE has stated that Port of Los Angeles ships and containers as carriers of the West Nile Virus, various insects, bacteria, fungus, toxic and hazardous materials.

CFASE has stated that Port of Los Angeles containers are painted with lead and other toxic chemicals which deteriorate in container storage yards in Wilmington and other port communities. The lead paint peels, pulverize and are blown into residents homes, yards and public parks.

CFASE requests that the Port of Los Angeles decontaminate and sanitize containers before they are placed into off-port property container storage yards.

21. The Port has provided no justification for agreeing to a 40 year contract, in which the terms and condition have not been made available in this DEIR/DEIS to the public for review. The public has repeatedly stated its disagreement of long term contracts which cannot be modified in the future. The public also does not support the Port having to

negotiate incentives to force tenants to make technology, environmental, public health or public safety improvements, because of the Ports negligence to incorporate public safeguards into the original contracts. Promises that future long term contracts will include regular and periodic reviews and allowances for imposing stricter environmental, traffic, public health and public safety requirements have not been disclosed to the public. The Ports so called past 5-year contract reviews have provided no known public, environmental, public health, public safety, transportation infrastructure benefits in the past 25 years.

CFASE requests that terminal lease contracts be no longer than 20 years, with requirements that the Port review contracts every 5-years. CFASE further requests that contracts require that all terms and conditions be updated to include the most current best available pollution control technologies, the lowest sulfur & toxic chemical content fuels, green alternative energy sources be incorporated whenever possible, electric rail & MagLev transportation maximum use be made mandatory, the maximum use of the Alameda Corridor be made mandatory, contribution to a public health mitigation fund, contribution to an environmental mitigation fund and an infrastructure mitigation fund.

22. There are numerous assumptions that the USACOE has accepted and agreed to in the DEIR/DEIS that are not mandatory, signed by contract or agreement, have not been implemented, have no schedule for implementation, have no penalties or sanctions for failure to be implemented or guaranteed.

23. CFASE disagrees with the Ports DEIR/DEIS conclusion that no additional port police are necessary. The Port is increasing the public risk and harm due terrorist attacks, ship accidents, truck accidents, train accidents and truck accidents on and off port property.

The Port is also conducting off-port property container inspections which again increases the public danger risk and harm.

The Port has failed to prepare an adequate Public Emergency Notification and Evacuation Plan. The Public is not aware if a plan even exists, where to find one in an emergency and what to do in case of any Port related emergency, catastrophe or terrorist attack.

There is inadequate Port police to supervise any emergency response or evacuation in Wilmington or San Pedro. The Port has made no preparations to relocate and house harbor residents. No plans to feed or provide water to local residents. No plans to provide medical care or assistance to local residents. No plans to provide electricity to residents.

CFASE requests that the Port of Los Angeles conduct public meetings to establish a Public Emergency Notification and Evacuation Plan.

24. The DEIR/DEIS fails to address all Aesthetic impacts and feasible mitigation. The Port has failed to acknowledge and mitigate all off-port property transportation corridors, rail yard facilities, container storage yards, truck/chassis staging areas, distribution centers and dredged material storage/drying areas aesthetic impacts.

The Port failed to conduct a comprehensive assessment of off-port property impacts and mitigation that is not limited to land areas bordering the Port.

25. The DEIR/DEIS fails to mitigate permanent long term operational negative air quality impacts to insignificant. These permanent and long term impacts will have significant public health impacts which include premeditated murder, premature deaths, increased respiratory, cardio-vascular, early childhood neurological and physical development health problems.

Technology exists to eliminate or minimize over 90% of all toxic and hazardous emissions. The Port has failed to include these technologies.

These public health impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS

26. The DEIR/DEIS fails to mitigate temporary and permanent long term operational negative air quality impacts on water to insignificant. These temporary, permanent and long term impacts will have significant toxic and hazardous chemicals and substances atmospheric aerial deposition impacts on water quality which includes ocean water, neighboring lakes, rivers, fresh water reservoirs and underwater aquifers.

The Clean Water Act protects all public water resources. These significant public water impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS.

27. The DEIR/DEIS fails to mitigate temporary and permanent long term operational negative air quality impacts on land to insignificant. These temporary, permanent and long term impacts will have significant toxic and hazardous chemical and substances atmospheric aerial deposition impacts on land quality which includes public port property, coastal tidelands, wetlands, bordering city and county lands and private property.

The Clean Air Act and the Resources, Conservation & Resources Act (RCRA) protects all public and private land resources. These significant public land impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS.

28. The DEIR/DEIS fails to comply with the California AB32 Global Warming Act to decrease and prevent the generation of CO₂ and other Port generated or caused Green House Gases. The DEIR/DEIS does not require all BACT's, Comprehensive Inspection & Preventive Maintenance Programs, Zero and Near Zero Emissions Technologies

There are also fugitive HFC's emissions from diesel trucks and refrigerated containers (reefers). Diesel truck and reefer air conditioning units have a high seal failure rate, which gets worse over time. They are being refilled numerous times during the year. The Port did not accurately estimate the amount of HFC's being leaked into the atmosphere.

Thousands of containers are in storage yards which are not evacuated and a result tens-of-thousands are leaking every day. Not only is this a global warming concern, but a resident public health concern due to the fact children and residents are breathing these toxic HFC's.

A review of recent Port of Los Angeles air quality data from July 8 – July 15 disclosed that O₃ over an 8hr. period exceeded both the state and federal standard 7 out of 8 days and were classified as Very Unhealthy.

29. The DEIR/DEIS fails to consider the Cumulative Impact of all ship vessels traveling to and entering the Port of Los Angeles and San Pedro Bay and their impact on migrating whales and other sea mammals.

The DEIR/DIES fails to mitigate these negative impacts. CFASE recommends as appropriate mitigation to change the current ship routes and distances along California's and Baja California's coast. Ships do not need to have an aesthetically pleasing coastline view. Prohibit ships from traveling along the coast if not necessary and traveling no closer than 50 nautical miles when necessary. Reduce ship speed to 10nph when within 50 nautical miles of the coast and space the number of ships that enter to allow time for whale and mammal passage.

30. The DEIR/DEIS Cumulative Impact Assessment is incomplete and fails to include numerous other local and non-local construction and operation projects. Locally the assessment fails to include expansion construction projects in Wilmington such as: L.A. Harbor College, ConocoPhillips Oil Refinery, Tesoro Shell Oil Refinery, Valero Oil Refinery, new Elementary/Middle School and Carson such as: BP/ARCO Oil Refinery, BP/ARCO Hydrogen Power Plant, a new Elementary & High School and a new Retail Shopping Mall.

CFASE requests that the Port conduct a more comprehensive Cumulative Impact Assessment that does not leave out other significant projects toxic and hazardous air emissions and traffic impacts.

31. The DEIR/DEIS fails to address the impacts of Container Storage Facilities located off-port property. The Port of Los Angeles has failed to adopt state-of-the art storage technologies which can automatically stack, identify, store, retrieve and transport containers which would eliminate the need for off-port property container storage yards in Wilmington and throughout the Harbor area. The Port has failed to establish empty container return policies and requirements in its tenant lease agreements that would eliminate storage of containers off-port property. The Port has failed to adopt a plan to eliminate off-port property storage of empty containers which have been stored for numerous years that will never go back.

The DEIR/DEIS fails to address the impacts of Container Storage Facilities located off-port property. The Port of Los Angeles has failed to adopt state-of-the art storage technologies which can automatically stack, identify, store, retrieve and transport containers which would eliminate the need for off-port property container storage yards in Wilmington and throughout the Harbor area. The Port has failed to establish empty container return policies and requirements in its tenant lease agreements that would eliminate storage of containers off-port property. The Port has failed to adopt a plan to eliminate off-port property storage of empty containers which have been stored for numerous years that will never go back.

The Port has failed to adopt policies and requirements that would require the sanitation and decontamination of containers that are placed into storage yards. Workers and the public are exposed to the West Nile virus, other insect infestation, bacteria, fungus, toxic

paint and coating due to deteriorating paint, toxic and hazardous chemicals that were stored in containers etc..

Container storage yards are also havens for rats, possums, raccoons, homeless and drug dealers. They also are trash magnets and have created truck routes in residential areas. The additional truck traffic destroys local streets, street signs, curves as trucks run-over them, damage bridges other transportation infrastructure and has increased traffic accidents.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

- 32.** The DEIR/DEIS fails to address the impacts of Off-Port Property Container Inspection Facilities. The Port of Los Angeles has expanded its container inspection facilities to include off-port property facilities in the City of Carson which borders Wilmington.

This has caused new unapproved Port truck routes to be established through Wilmington and Carson to get to the facilities that never existed. This has created new truck traffic, increased traffic accidents, truck breakdowns, endangers the public from potential hazardous materials spills, fires and explosions.

There was a recent bomb detection threat which required the evacuation of the company, all neighboring industrial park business facilities and the local corner market. Carson and Wilmington residents and workers lives were in danger. People lost income, could not get to work, residents could not get to their homes. Carson sheriffs, Los Angeles police, Port police, bomb squad, FBI, fire departments and others were on-sight.

To by-pass the public hearing process, public disclosure and its legal responsibilities it secretly subcontracted these services to a private company. The City of Carson licensing, permitting and zoning departments were not aware of these activities when they issued any license or permit. There was no public hearing or public disclosure.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

- 33.** The DEIR/DEIS does not address Truck & Chassis Storing & Staging Areas Impacts. The Port and its tenants have allowed numerous Truck & Chassis Storing & Staging Areas to be established by private business owners and subcontractors in Wilmington and in the Harbor area most of which border residential areas. These facilities cause traffic congestions problems, community blight, contaminate the land and adjacent properties, release toxic and hazardous air emissions, they destroy sidewalks, destroy and modify sidewalks to make driveways, illegally double park, conduct unauthorized business activities and cause a public safety hazard.

The Port of Los Angeles currently own numerous acres of land and plans to expand its off-port property purchase of land in Wilmington in the City of Los Angeles for off-port property activities for truck & chassis storage and staging areas. The Port also leases

these properties to companies so that they can deny and avoid any mitigation and liability.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

34. The DEIR/DEIS fails to address and mitigate numerous truck issue impacts. The Port and its tenants have allowed numerous unacceptable conditions to occur without mitigation:

- a. Increasing truck traffic congestion on public freeways, highways, streets and bridges.
- b. Increasing truck traffic accidents.
- c. Increasing public car insurance rates due to truck accidents.
- d. Increasing public health care costs due to truck caused accidents.
- e. Increasing truck breakdowns on freeways, highways, streets.
- f. Increasing truck breakdowns on public bridges.
- g. Increasing truck traffic running of street lights.
- h. Increasing truck blockage of drivers views.
- i. Increasing truck traffic running over sidewalks & curves while making turns.
- j. Increasing truck traffic damage to freeways, highways, streets, bridges.
- k. Increasing truck traffic failing to stop for residents crossing the streets.
- l. Increasing illegal truck driver dumping of tires, truck parts, oil, fluids and trash.
- m. Increasing illegal truck traffic through residential areas.
- n. Increasing illegal truck driver usage of containers to transport personal items.
- o. Increasing illegal truck parking on city streets, residential areas & public parks.
- p. Increasing public costs to maintain, repair & replace transportation infrastructure.
- q. Increasing truck transportation of toxic and hazardous chemicals, substances & materials.
- r. Increasing truck transportation of public health hazards such as the West Nile Virus, bacteria, fungus, molds and other non-native species.
- s. Failure to sanitize and decontaminate trucks & containers.
- t. Truck honking at all hours of the night while stopped at train intersections.
- u. Truck revving their engines.

The Port has diverted truck traffic through the middle of the Wilmington community on Pacific Coast Highway vs Harry Bridges Road which is one of the normal truck routes, when the bridges are closed due to truck accidents, breakdowns or other reasons. This has become a regular occurrence. The Port has begun to post numerous Detour Signs on public freeways and streets to direct trucks where to go.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

35. The DEIR/DEIS fails to address the increase in other noise categories from on-port property and off-port property business operations due to increased Port & Homeland Security, these include:

- a. Ship horns during the day & at all hours of the night.
- b. Police Helicopters flying during the day & at all hours of the night.
- c. Port Tour Helicopters flying during the day.
- d. Media News Helicopters flying during the day& at all hours of the night.
- e. Film Crew Helicopters flying during the day& at all hours of the night.
- f. Port, City, State & Federal Police/FBI/CIA etc. Sirens during the day & at all hours of the night.
- g. Fire Department Vehicle Sirens during the day and at all hours of the night.
- h. Containers being accidently dropped during the day & all hours of the night.

Wilmington and San Pedro residents have no cessation of noise, it is continual 24hrs. a day and 7 days a week. One cannot sit on their front porch, under a tree in the back yard, watch television, listen to a radio and children cannot do their homework in peace and silence.

36. The DEIR/DEIS fails to acknowledge, address and mitigate the fact that there is no adequate Port Public Emergency & Disaster Notification, Response or Long Term Care System. The Port has created no emergency funds pool, contracted no third party support services, contracted no relocation areas, contracted no food or water services etc.

The Port has put every Harbor resident and Harbor Community in extreme danger from its business operations. All planning that has been conducted has been to protect "Port Assets" not Harbor resident's lives and livelihoods. If there is a Port catastrophe"

- a. There are inadequate Port and City Police to protect and assist the public.
- b. There are inadequate Fire Department Personnel & Equipment to provide assistance.
- c. There are inadequate medical & hospital services & beds available.
- d. There is no relocation place for displaced families to go to.
- e. There are no emergency food & water resources for displaced families.

37. The DEIS/DEIS fails to disclose that a Wilmington Air Tracer Study conducted for the California Air Resources Board (CARB) does not collaborate the toxic and hazardous air emissions dispersion models and data that are contained in the DEIR/DEIS. The CARB Study in fact shows a wider and farther dispersion then the Port of Los Angeles documentation is claiming and mitigating.

38. The DEIS/DEIR describes the mitigation measures for Fugitive Dust but fails to mention that the Port of Los Angeles recently received a Notice of Violation from the South Coast Air Quality Management District for fugitive dust at the China Shipping Terminal where hundreds of tons of dredged dirt is stored.

The Port failed to prevent fugitive dust on this date and numerous past dates which required San Pedro and Wilmington residents to call in and file a complaint. Residents only recently found out that they could report the Port for fugitive dust.

Boat owners and Boat Live-ins at Consolidated Slip which houses several boat marinas have also complained about Port of Los Angeles fugitive dust that is stored on Pier A West. They have also complained about chemical odors, having headaches, feeling nausea, dizzy and breaking out in skin rashes.

The Port has claimed that their tests have found nothing toxic or hazardous in the soil or air. This is strange because numerous water and soil tests have been performed in and around Consolidated Slip which have disclosed high concentrations of DDT, PCB;s lead, arsenic and other toxic and hazardous chemicals.

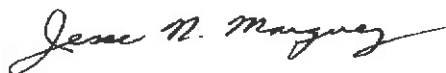
39. The DEIR/DEIS fails to disclose that the cumulative air emissions data at the Port does not include the numerous on-site oil company VOC emissions from storage tanks, pipelines, valves and bulk loading terminals.

40. CFASE request that the DEIR/DEIS include that the Port of Los Angeles Community Advisory Council be designated as a third party overseer of all mitigation.

Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

The Coalition For A Safe Environment reserves the right that its previously submitted public comment documents and verbal public comments are part of this submitted public comment document.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jesse N. Marquez".

Jesse N. Marquez
Executive Director